FILED
AUG 13 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

AUSA KLD

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.: '08 MJ 8722
v.	COMPLAINT FOR VIOLATION OF
Alex SANTANA, Defendant.	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about August 12, 2008, within the Southern District of California, defendant Alex SANTANA did knowingly and intentionally import approximately 76.32 kilograms (167.90 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Rafael Silva, Special Agent
Immigration and Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13TH DAY OF AUGUST 2008.

Peter C. Lewis
U. S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Alex SANTANA

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to Immigration and Customs Enforcement Special Agent Rafael Silva.

On August 12, 2008, at approximately 1810 hours, Alex SANTANA (SANTANA) entered the United States at the Calexico, California, east port of entry. SANTANA was the driver and registered owner of a 2001 GMC Sierra. SANTANA was being accompanied by her minor daughter.

Customs and Border Protection Officer (CBPO) Barroso was conducting a pre-primary operation with his assigned Human/Narcotics Detection Dog, when the dog alerted to the vehicle SANTANA was driving. CBPO Ramos was manning lane number one when SANTANA approached the lane. During routine border inspection questioning, SANTANA gave a negative customs declaration. SANTANA stated she was on her way home to Thermal, California. SANTANA also stated she had purchased the vehicle on this same day. CBPO Price escorted SANTANA and her daughter to the vehicle secondary lot.

While at vehicle secondary, CBPO Barnes took over the inspection. CBPO Barnes was advised of the alert on the vehicle. CBPO Barnes received a negative customs declaration from SANTANA.

SANTANA stated she has owned the vehicle for approximately nine months. CBPO Barnes noticed SANTANA was avoiding eye contact and was shifting nervously in her seat.

CBPO Barnes conducted the vehicle inspection, which revealed several packages, underneath the rear seat and rear seat backrest concealed by a pair of jeans. Additional packages were discovered inside the passenger side door.

A subsequent inspection of the vehicle revealed sixty (60) packages concealed under the rear seat, rear seat headrest and passenger side doors. CBPO Barnes probed one of the packages and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 60 packages had a combined weight of approximately 76.32 kilograms (167.90 pounds) of marijuana.

SANTANA was placed under arrest and advised of her rights, per Miranda, which she acknowledged and waived, agreeing to answer questions. SANTANA stated she did not know the vehicle was carrying drugs. SANTANA stated she has owned the vehicle since November of 2007. SANTANA also stated she was paid $100.00 to put gas in the vehicle.